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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/417,478	10/13/1999	JOHN MCCAFFERTY	05569.0004.DVUS07	8812
22930 7590 09/16/2009 HOWREY LLP - East C/O IP DOCKETING DEPARTMENT 2941 FAIRVIEW PARK DR, SUITE 200 FALLS CHURCH, VA 22042-2924				
			EXAMINER	
			LIU, SUE XU	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Continuation Sheet

Item 5

In light of applicant's filing of a Terminal Disclaimer for the following patents: 5,871,907; 5,858,657; 6,916,605; 7,063,943; 6,544,731; 6,521,404; 6,291,650; 6,225,447; 5,837,242; 5,885,793, all previous outstanding ODP rejections (see Office action mailed 4/1/09; pp.13+) have been withdrawn.

In light of applicant's argument regarding the Ladner reference, the following rejection has been withdrawn:

Claims 45, 46 and 48-54 are rejected under **35 U.S.C. 102(e)** as being anticipated by Ladner et al (US 5,223,409; filed 3/1/1991; priority date: 9/2/1988; cited in IDS filed 2/1/2001).

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Applicants traversed the rejection over the combination of Parmely, Ladner, Geider and Mead with the following arguments:

Parmley does not teach properly displaying a three dimensional structure, and applicants cited the Stanfield reference as evidence. However, the Stanfield reference is not entered as indicated in Item 8. As discussed in the previous Office action, the Parmely reference teaches displaying "a functional specific binding domain" as the displayed antigen of the reference has been shown to bind its specific antibody. Applicants have not provided evidence to specifically show that the specific antigen displayed in Parmley is not a "functional binding domain".

Applicants also argue because the Parmley teaches displaying a fragment of a wildtype protein, the said reference does not teach "a functional domain". However, the instant

specification does not specifically define the term “functional specific binding domain”. The closest definition is the one quoted by applicants (Reply, p.7, para 4), which states: “the sbp member is presented in a folded form in which its specific binding domain... is the same or closely analogous to its native configuration...” The said definition is broad and does not exclude the displayed antigen of the Parmley reference. Contrary to applicant’s assertion, the said definition on pages 30-31 of the specification does not say that fragments of a protein are excluded. If a fragment of a protein is excluded, than any “domain” of a protein would be excluded because a domain can be a portion of a protein. For example, a single chain antibody fragment (scFv molecule) of a full antibody would be excluded as well, which would be in conflict with applicant’s own claims. Further, applicants have not show that the fragment (or a domain) that was displayed in Parmley cannot perform the function of specifically binding to its antibody.

Applicants also seem to argue that the Parmley reference teaches away from displaying proteins larger than 100 residues, which is contrary to Parmley’s teaching of displaying a fragment of 112 amino acids (as pointed out by applicants). Furthermore, the instant claims are broad and do not exclude displaying proteins more than 100 amino acids.

Applicants are also respectfully directed to the previous Office action (mailed 4/1/09) for detailed discussion on how the combination of the cited references renders the instant claims obvious.

/SUE LIU/

Primary Examiner, Art Unit 1639